

Message

From: Rodrigues, Cecil [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4515B309FE314660B3E3069A2925F01A-CRODRI06]
Sent: 6/6/2018 12:57:02 AM
To: Cosmo Servidio (servidio.cosmo@epa.gov) [servidio.cosmo@epa.gov]
Subject: FW: TSCA PCB remediation waste verse PCB containing materials
Attachments: Pertinent citations in PCB regulations - 40 CFR Part 761 - 5-29-18.docx

FYI. For our call tomorrow this is the followup email I sent to PADEP.

Thanks. Cecil
Cecil Rodrigues
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From: Rodrigues, Cecil
Sent: Wednesday, May 30, 2018 5:21 PM
To: rziadeh@pa.gov
Cc: 'Armstead, John A.' <Armstead.John@epa.gov>; Jenifer Fields (fields.jenifer@epa.gov) <fields.jenifer@epa.gov>; Coe, Mary <Coe.Mary@epa.gov>
Subject: TSCA PCB remediation waste verse PCB containing materials

Ramez,

Following up on our call listed below is an explanation for the different limits for PCBs. Also attached are excerpts from *40 CFR Part 761, PCB Regulations* with highlights related to PCB Remediation Waste.

Generally, the 2 ppm addresses the use of PCB-containing materials. The 50 ppm does not address use. Rather, the 50 ppm addresses storage and disposal of PCB-containing materials.

2 ppm: PA regulations allow the use of PCB-containing materials as clean fill and regulated fill. PADEP's Clean Fill Policy allows the use of PCB-containing materials (including soil, gravel and concrete) as fill in an unrestricted manner. PADEPs' Beneficial Use Permit allows for the use of PCB-containing materials which exceed the levels in the Clean Fill policy as construction material.

The use of PCB-containing materials is banned under TSCA § 6(e)(2) unless authorized by EPA. EPA's use authorizations for PCBs and PCB-containing materials in 40 CFR 761.30 do not provide for the use of PCB-containing materials as fill or construction materials. Section 761.20(a) of the PCB regulations prohibit the use of PCBs at any concentration, other than in a totally enclosed manner, without an exemption. Any concentration is defined in the PCB regulations at Section 761.3 as the "quantifiable level/level of detection" which specifies 2 ppm.

50 ppm: 50 ppm is the concentration at which PCBs are regulated for storage and disposal under the PCB regulations. As defined in Section 761.3 of the PCB regulations, "PCB remediation waste" is materials which are currently at any concentration where the original source was greater than or equal to 50 ppm beginning on July 2, 1979; or materials which are currently at any concentration if the PCBs are spilled or released from a

source not authorized for use under the PCB regulations. PCB remediation waste includes, but is not limited to, soil, concrete, gravel, sediment, buildings and other man-made structures, porous surfaces and non-porous surfaces. As per Section 761.50(b)(3), PCB remediation waste is regulated for cleanup and disposal in accordance with Section 761.61. Section 761.61(a)(5)(i)(B)(2)(ii) and (iii) and 761.61(b)(2) specify the manner of disposal of PCB remediation waste. The least stringent method for disposal of less than 50 ppm PCB remediation waste, with conditions, is a state permitted Subtitle D landfill.

If you have any questions, please give me a call. After you have a chance to review the materials please give me a call so that we can schedule a meeting to resolve this issue.

Thanks. Cecil.

Cecil Rodrigues

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